

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT L. McCRAY,

Petitioner,

-against-

SUPERINTENDENT OF THE GREEN
HAVEN CORRECTIONAL FACILITY,

Respondent.

1:20-CV-3994 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated July 17, 2020, the Court directed Petitioner to show cause, within 30 days, why the Court should not dismiss this action without prejudice to Petitioner's claims for *habeas corpus* relief in *McCray v. Royce*, 1:20-CV-4127. The Court warned Petitioner that if he failed to show cause within the time allowed, the Court would dismiss this action without prejudice to Petitioner's claims for *habeas corpus* relief in *McCray*, 1:20-CV-4127. Petitioner has failed to show cause within the time allowed. Accordingly, the Court dismisses this action without prejudice to Petitioner's claims for *habeas corpus* relief in *McCray*, 1:20-CV-4127.

The Court directs the Clerk of Court to mail a copy of this order to the Petitioner and note service on the docket.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See 28 U.S.C. § 2253.*

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 18, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge